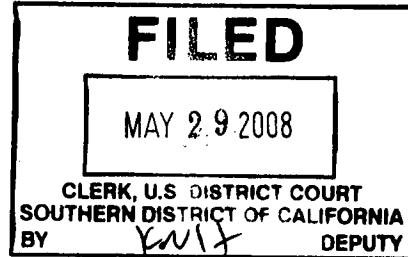


S. Ross Kochenderfer, Jr. (SBN 78829)
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Attorney for DYNAMIC STAFFING, INC.



UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CHARLES HOGARTY, and on behalf
of himself, the general
public, and all other
similarly situated,

Plaintiff,

vs.

NEC Corporation of America, a
Delaware corporation doing
business in Virginia;
INNOVATIVE EMPLOYEE
SOLUTIONS, INC., a Colorado
corporation doing business in
California; DYNAMIC STAFFING,
INC., a Nevada corporation
doing business in California;
and DOES 1 through 100,
inclusive,

Defendants.

Case No. 3:08-CV-00677-DMS-BLM
Class Action

DEFENDANT DYNAMIC STAFFING,
INC.'S ANSWER TO PLAINTIFF
CHARLES HOGARTY'S COMPLAINT
(UNVERIFIED)

Defendant DYNAMIC STAFFING, INC., a Nevada corporation
("Defendant"), hereby answers the Complaint (Unverified)
("Complaint") of Plaintiff CHARLES HOGARTY ("Plaintiff"), as
follows:

JURISDICTION AND VENUE

1
2 1. Defendant has insufficient knowledge or information to
3 form a belief as to the truth of the allegations of paragraphs 1
4 and 2.

PARTIES AND BACKGROUND

5
6 2. Defendant has insufficient knowledge or information to
7 form a belief as to the truth of the allegations of paragraphs 3 of
8 the Complaint.

9 3. Defendant admits the allegations of paragraph 4 of the
10 Complaint to the extent DYNAMIC STAFFING, INC. is a Nevada
11 corporation doing business within the State of California.
12 Defendant has insufficient knowledge or information to form a
13 belief as to the truth of the remaining allegations of paragraphs
14 4 of the Complaint.

15 4. Defendant has insufficient knowledge or information to
16 form a belief as to the truth of the allegations of paragraph 5, 6,
17 7, 8, 9, and 10 of the Complaint.

CLASS ACTION ALLEGATIONS

18 5. Defendant has insufficient knowledge or information to
19 form a belief as to the truth of the allegations of paragraph 11,
20 12, 13, 14, 15, 16, 17 and 18 of the Complaint, and on that basis
21 denies each.

FIRST CAUSE OF ACTION

22
23 6. Defendant has insufficient knowledge or information to
24 form a belief as to the truth of the allegations of paragraph 19 of
25 the Complaint.

26 7. Defendant admits the allegations of paragraph 20 of the
27 Complaint.
28

1 8. Defendant admits the allegations of paragraph 21 of the
2 Complaint.

3 9. Defendant denies the allegations of paragraph 22, 23, and
4 24 of the Complaint.

5 **SECOND CAUSE OF ACTION**

6 10. Defendant has insufficient knowledge or information to
7 form a belief as to the truth of the allegations of paragraph 25 of
8 the Complaint.

9 11. Defendant admits the allegations of paragraph 26 of the
10 Complaint.

11 **THIRD CAUSE OF ACTION**

12 12. Defendant has insufficient knowledge or information to
13 form a belief as to the truth of the allegations of paragraph 27 of
14 the Complaint.

15 13. Defendant admits the allegations of paragraph 28 of the
16 Complaint.

17 14. Defendant denies the allegations of paragraph 29, 30, 31,
18 32, 33, and 34 of the Complaint.

19 **AFFIRMATIVE DEFENSES**

20 **First Affirmative Defense (Laches)**

21 15. Plaintiff's claims are barred, in whole or in part
22 because this answering defendant alleges that Plaintiff's action is
23 barred by the doctrine of laches.

24 **Second Affirmative Defense (Statute of Limitations)**

25 16. Plaintiff's claims are barred, in whole or in part
26 because this answering defendant alleges that all claims for
27 damages are barred by the provisions of the applicable statute of
28 limitations.

1 **Third Affirmative Defense (Waiver)**

2 17. Plaintiff's claims are barred, in whole or in part
3 because this answering defendant alleges that Plaintiff knowingly
4 and willingly affirmed and ratified conduct by defendant, and
5 therefore, is precluded from any recovery herein by virtue of the
6 doctrine of waiver.

7 **Forth Affirmative Defense (Off-Set)**

8 18. Plaintiff's claims are barred, in whole or in part
9 because this answering defendant alleges that he is entitled to a
10 off-set against any recovery, if any be found for Plaintiff.

11 **Fifth Affirmative Defense (Conduct)**

12 19. Plaintiff's claims are barred, in whole or in part
13 because this answering defendant alleges that Plaintiff's damages,
14 if any there be, are the sole and proximate result of the conduct
15 of Plaintiff, and are in no way attributable to this answering
16 defendant.

17 **Sixth Affirmative Defense (Mutual Mistake)**

18 20. Plaintiff's claims are barred, in whole or in part
19 because this answering defendant alleges that any assent to the
20 terms of the alleged contracts and agreement as described in
21 Plaintiff's Complaint were obtained through a unilateral and/or
22 mutual mistake of fact.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, having fully answered and defended against the
25 allegations of Plaintiff's Complaint, Defendant respectfully
26 requests that this Court enter judgment in favor of Defendant
27 DYNAMIC STAFFING, INC. against Plaintiff's claims as follows:

28 A. For dismissal with prejudice of all Plaintiff's claims
against Defendant DYNAMIC STAFFING, INC.

1 B. For Defendant's reasonable attorneys' fees incurred
2 herein as otherwise provided by law;

3 C. For Defendant's costs and expenses incurred herein; and

4 D. For such other relief as the Court deems just and proper.
5
6

7 Law Offices of S. ROSS KOCHENDERFER,
8 JR. a Professional Corporation

9
10 Dated: May 27, 2008



11 By: S. Ross Kochenderfer, Counsel
12 for Defendant DYNAMIC STAFFING, INC.
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CERTIFICATE OF SERVICE

I am a citizen of the United States, and employed in the County of Placer, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 12210 Herdal Drive, Suite 11, Auburn, California 96503. I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service at our Auburn office; that under the business practice employed in such office, correspondence would be given the proper postage and deposited with the United States Postal Service the same day in the ordinary course of business;

On May 27, 2008, following ordinary course of business practices, I served the within

DEFENDANT DYNAMIC STAFFING, INC.'S ANSWER TO PLAINTIFF CHARLES HOGARTY'S COMPLAINT (UNVERIFIED)

On interested parties in this action by placing for deposit in the United States Postal Service, a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepared, in the mail collection depository, for collection and mailing, at 12210 Herdal Drive, Suite 11, Auburn, California 95603, with envelope(s) address as follows, and by faxing a copy thereof to the fax numbers identified below:

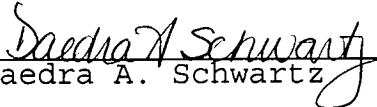
Daniel P. Westman
Morrison & Foerster, LLP
1650 Tysons Boulevard, St 400
McLean, Virginia 22101

Mark R. Thierman
Theirman Law Firm
7287 Lakeside Drive
Reno, Nevada 89511

FAX 703-760-7777

FAX 775-703-5027

I declare under penalty of perjury that the above is true and correct. Executed May 27, 2008.


Daedra A. Schwartz